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TAGS: [MARR](#) [PREL](#) [PGOV](#) [MASS](#) [MCAP](#) [MOPS](#) [KTIA](#) [CO](#)  
SUBJECT: PROGRESS IN ROUND TWO OF DEFENSE COOPERATION  
AGREEMENT NEGOTIATIONS

REF: BOGOTA 0438

Classified By: Charge d'Affaires Brian A. Nichols  
Reasons 1.4 (b and d)

#### SUMMARY

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¶1. (C) U.S. and Colombian delegations made steady progress in the second round of negotiations on a Defense Cooperation Agreement (DCA) in Bogota on March 10-13. President Uribe had earlier expressed a desire to conclude the DCA ahead of the April 17-19 Summit of the Americas. Still, the GOC delegation maintained a deliberate pace during round two and continued to seek security guarantees linked to the DCA. The delegation also resisted U.S. text they thought might lead to a perception that the GOC was ceding sovereignty to the United States, as well as text that risked an internal legal challenge. End summary.

#### DCA ROUND TWO

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¶2. (C) U.S. and Colombian delegations convened in Bogota on March 10-13 for the second round of negotiations on the DCA. Deputy Foreign Minister Clemencia Forero, Deputy Defense Minister Juan Pinzon and Deputy Defense Minister Sergio Jaramillo led the Colombian delegation. PM Senior Advisor Ambassador Jackson McDonald headed the U.S. delegation consisting of State and DOD representatives. The delegations made slow but steady progress on a range of articles including: access rights, payment of fees, criminal jurisdiction, privileges and immunities, travel documentation, construction, land ownership and use, drivers licenses, vehicle registration, postal services, and telecommunications.

#### PUBLIC PERCEPTION, SOVEREIGNTY REMAIN KEY ISSUES

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¶3. (C) The GOC voiced concern over how the DCA would be perceived by the Colombian public. Vice Minister Pinzon said that he knew opposition senators in Colombia would insist that the DCA be taken before Congress. Hence, it was key that the text be drafted with attention to Colombian legalities and public perceptions. GOC officials also reiterated that the DCA must be linked to existing authorities under earlier agreements to avoid possible legal challenges.

¶4. (U) A March 17 article in leading daily "El Tiempo"

reported that ex-President Andres Pastrana said that Defense Minister Juan Manuel Santos should be "very careful" in crafting agreements with the United States, since the Colombian constitution limits the movement of foreign troops on Colombian soil. Pastrana said the issue of foreign troops needs to be discussed by Colombia's Foreign Affairs Advisory Commission, which is composed of ex-Presidents, ex-Foreign Affairs Ministers, current members of Congress and various other GOC ministry officials.

#### GOC TIME PRESSURE NOT APPARENT

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15. (C) Despite President Uribe's assertion during a March 5 meeting in Bogota with Chairman of the Joint Chiefs of Staff Admiral Michael Mullen that he wanted to conclude the DCA in time for a public announcement at the April 17-19 Summit of the Americas, the GOC delegation negotiated at a deliberate pace. MFA Director of U.S. and Canadian Affairs Patricia Cortes told us that Uribe wanted to conclude the DCA expeditiously, but he also expected that GOC requests for security guarantees and air defense systems would be dealt with simultaneously.

#### GOC LINKS SECURITY GUARANTEES TO DCA

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16. (C) The GOC delegation agreed in round one to address other security issues in separate channels independent of the DCA talks (reftel), but in round two the Colombians said they considered progress on the DCA to be linked to progress on these issues. On March 15, "El Tiempo" published an article entitled, "More US Aircraft to Use Three Bases in the Country." The article cited unnamed Colombian Defense

Ministry sources as saying that there would be no U.S. access without proper "consideration" from the United States -- and that the GOC had proposed training, technology and intelligence exchanges as part of a reported quid pro quo.

#### NEXT STEPS

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17. (C) Vice Ministers Forero and Pinzon told us they would inform President Uribe that it would not be possible to conclude an agreement before the Summit of the Americas. Both sides agreed the next round of negotiations will take place on April 14-16 in Bogota.

18. (U) This cable was reviewed by Ambassador McDonald.  
NICHOLS